

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID NATHANIEL ROBERTS,  
Plaintiff,  
v.  
WARDEN LYNCH, et al.,  
Defendants.

No. 2:20-cv-01349 WBS DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order dated January 21, 2022, the court found the complaint had stated a cognizable First Amendment retaliation claim against defendants Peluso and Jones but failed to state any other cognizable claim. (ECF No. 19.) The court ordered plaintiff to file notice informing the court whether he wished to proceed on his cognizable claims or be given leave to file an amended complaint. (Id. at 8.) Plaintiff was given thirty days leave to file such a notice. (Id.) Plaintiff was warned that failure to abide by the court's order would result in a recommendation that this action be dismissed. (Id.)


More than thirty days have passed and plaintiff has not filed notice of how he wishes to proceed with the court, filed an amended complaint, requested an extension of time, or otherwise responded to the court's orders. Accordingly, it will be recommended that this action be dismissed for failure to comply with court orders and failure to prosecute.

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1 For the reasons state above, IT IS HEREBY RECOMMENDED that this action be  
2 dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
5 after being served with these findings and recommendations, plaintiff may file written objections  
6 with the court and serve a copy on all parties. Such a document should be captioned "Objections  
7 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
8 objections within the specified time may waive the right to appeal the District Court's order.  
9 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: May 18, 2022

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13 DEBORAH BARNES  
14 UNITED STATES MAGISTRATE JUDGE  
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